



**Nursing Care Quality Assurance Commission (NCQAC)
MINUTES
September 14, 2007
Yakima Valley Community College
16th Avenue and Nob Hill Boulevard
Parker Room
Yakima, WA 98902
360-236-4713**

NCQAC Members present:

Judith D. Personett, EdD, Certified Nurse
Administrator Advanced (CNAA), RN, Chair
Susan Wong, MBA, MPA, RN, Vice-Chair
Linda Batch, LPN
Erica Benson-Hallock, MPPA, Public Member
Richard Cooley, LPN
William Hagens, MA, Public Member
Rev. Ezra Kinlow, MTH, Public Member
Jackie Rowe, RN
Diane Sanders, RN, BC, MN
Rhonda Taylor, MSN, RN
Mariann Williams, MPH, MSN, RN, ARNP
Susan Woods, PhD, RN, FAHA, FAAN

Unable to Attend: Robert Salas, RN

Assistant Attorney General:

Gail Yu, Assistant Attorney General

Staff present:

Paula R. Meyer, MSN, RN, Executive Director
Terry West, Health Services Consultant
Usrah Claar-Rice, MSN, RN, Nursing Education Advisor
Mary Dale, Nurse Discipline Manager
Irene Oplinger, Nurse Discipline Manager
BJ Noll, MSN, RN, Nursing Practice Advisor
H. Louise Lloyd, Secretary

1. Dr. Judith D. Personett, Chair

- Dr. Personett called the meeting to order at 8:30AM
- Introductions were made by the NCQAC members, staff, and visitors
- Order of the agenda stayed the same
- Correspondence will be discussed in the agenda
- Announcements
 - 1. H. Louise Lloyd is filling Kris McLaughlin's secretary position,

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2. Joan Garner will retire the end of September 2007. The NCQAC recognized her with a certificate of appreciation.

- Addendum Items

1. Electronic Transfer – The members of the NCQAC were given paperwork to complete to begin electronic funds transfer of their payroll checks.
2. May minutes – The draft of the May minutes that were approved at the July meeting were incorrect. The final copy of the May minutes in this meeting packet.
3. The letter from Bonnie King will be discussed in the Chair Report. A complete copy is in the addendum packet.

2. Consent Agenda

Items listed under the consent agenda are considered routine agency matters and approved by a single motion of the NCQAC without separate discussion. If separate discussion is desired, that item will be removed from the consent agenda and placed on the regular business agenda.

- A. Approval of minutes
 1. NCQAC Business meeting, May 11, 2007
 2. NCQAC Business meeting, July 12, 13, 2007
 3. NCQAC Disciplinary Hearing minutes
 4. Continuing Competency sub-committee
 5. Nursing Program Approval Panel (NPAP)
- B. National Council of State Boards of Nursing (NCSBN) Correspondence
- C. Licensing statistics
- D. E2SSB 5930 – Licensing surcharge to support the University of Washington's library on-line access, Section 11, p. 11 & 12
- E. Washington Center for Nursing - Summary Notes on Nursing Summit; Update on the Nursing Workforce in Washington: July 2007; Washington Center for Nursing: Strategic Business Plan
- F. Center for Health Workforce Studies: 2006-2005 Washington State Registered Nurse Supply and Demand Projections
- G. Update on Rulemaking Regarding Mandatory Reporting

DISCUSSION: Clarification was requested regarding the May minutes, on page 5 under item D, regarding member orientation. Minutes will stand as written.

July 12 minutes page 5 #7 will be reworded to say, "The Board of Pharmacy has an exception in the rules for planning centers to hand out contraceptives."

ACTION: A motion was made and passed to accept the consent agenda.

3. Chair Report – Dr. Personett

DISCUSSION:

A. Three meetings were held in August. On August 7-10 a hearing was held on Long Term Care, the National Council of State Board of Nursing (NCSBN) House of Delegates Session met in Chicago, IL on August 7-10 and a video conference on rules for the Advanced Registered Nurse Practitioners were held at different sites on August 7-10.

- Long Term Care – Attendees: Dr. Personett and Kendra Pitzler representing the Department of Health (DOH). The meeting centered on educational programs and preparedness of Caregivers compared to Certified Nursing Assists (CNA) and Registered Nursing Assistants (RNA): Caregiver training is 28 hours and 35 hours for CNAs. There is little difference in training time and hours, the discussion revolved around melding the education programs to bring the requirements into compliance with Federal Regulations.

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There is interest in allowing people to articulate to other programs so that training and educational hours are not lost. This is needed because of the nursing shortage. Kendra Pitzler reported for DOH.

- Video Conference - Rules for Advanced Registered Nurse Practitioners
These conferences were held throughout the State. Input was solicited from the stakeholders and will continue to be evaluated as the process moves forward. Participants were educators and nurses in group and private practice.
- NCSBN Delegate Assembly Attendees: Dr. Personett, Dr. Susan Woods, Rev. Ezra Kinlow, and Paula Meyer
 1. Dr. Personett was elected to another term as the Chair of the Resolutions Committee. Paula Meyer was elected to the Nominations Committee for Area 1.
 2. Dr. Susan Woods, a member of the NCSBN Awards Panel, participated in the Awards luncheon and read the winning nomination for an award.
 3. Rev. Ezra Kinlow attended the Boards Members Session. He states that certain boards have designated seats for each nursing category. One board has a position specifically for a legislator and another for a security officer. Some Boards had laptops. Continuing competency drew a lot of discussion. Washington may be a step ahead in this area.
 4. Dr. Susan Woods attended the session on the History of the Clinical Nurse Leader role. Polly Bednash, Executive Director of the American Association of Colleges of Nursing, gave a lecture on the history of the Doctor of Nursing Practice. The exam for certification for a Master Degree for the Generalist has been available since December 2006. The Masters Degree is for a Generalist who works at the point of care on a unit. She also reviewed the recommendations that the task force accepted in 2004. The membership voted that all advance practice will be at the doctorate level by 2015.
 5. Paula Meyer, Executive Director, stated new bylaws were adopted. One revision is that the Nominations Committee will move to the Leadership Succession Committee. Ms. Meyer will serve one year on the Nomination Committee and the 2nd year as Chair of the Leadership Succession Committee.

Research is being conducted to find out what Medication Assistants do across the nation. In Washington you have to be an RNA or CNA to administer medication. In Washington many give medication in Corrections, day care centers and schools who are unlicensed. The NCSBN is looking at the issue of requirements for a person to give medications and begin to assess the feasibility of a national exam for anyone who gives medication.

Dr. Personett brought the Business Book for anyone interested in reading it.

B. Letter from Bonnie King, Director, HPQA: Investigative Services

Bonnie King, Director, responded to a letter from Dr. Personett on concerns about investigative services. NCQAC wants nurses to investigate nursing practice cases. Ms. King is willing to have a dialogue with the NCQAC.

Ms. Meyer stated that as a result of the letter, Dave Mabgy would like feedback on investigative reports regarding issues such as, investigation information, lack of

materials, too many materials, etc. He will follow up and would like examples of current and previous reports from the NCQAC members.

4. Executive Director Report – Paula Meyer

A. Rules

DISCUSSION: ARNP rules workshops – Some ARNPs did not know about the date of the rules workshops. The information was mailed to each ARNP, sent to everyone on the list serve, and posted on the WEB site. The time period may have been too short between the time the announcement came out and when the workshop was held. A hearing is anticipated on January 8 at the NCQAC meeting in Olympia. When the process is complete, the rules will take effect in mid-April.

Nursing Assistant Rules have been non-contentious from stakeholders. The law states the NCQAC was to direct Nursing Assistant programs to accept Caregiver training. The Federal Statute states that all Nursing Assistant programs must be under direction and supervision of an RN. Some Caregiver programs have RNs as the director however, most do not. The State Statute conflicts with Federal Statute and therefore cannot be enforced.

This section of the rules has been removed to allow the rules to proceed. A rules hearing will be held between December 7-21, 2007. The new language will take effect in mid March.

A list was circulated for members to sign up for dates and times of availability for the Rules Hearing. The hearing will possibly be held in Tumwater.

B. Board/NCQAC/Committee Survey Results

DISCUSSION: How are results going to be used? Ms. Meyer would like feedback on areas of concern and ways to improve the survey. Are there areas of concern or things to work on which will improve services as result of survey? No suggestions were offered at this time.

C. State Auditor Office, Performance Audit Results and Report

DISCUSSION: The Performance Audit was conducted by the Clifton Gunderson Accounting Firm which specializes in performance audits. Several meetings will be held as a result of the audit report. Discussion meetings are open to NCQAC members and Ms. Meyer invited them to attend. If a NCQAC member speaks, they must complete a Public Disclosure Report form. The form will be forwarded to each member electronically. She stated that the Legislature needs to adopt the recommendations of the Performance Audit or if not adopted, then an annual report should be released explaining why recommendations were not adopted. The Performance Audit recognized the NCQAC as having a best practice for timely disposition of complaints.

D. Health Systems Quality Assurance Re-organization

DISCUSSION: Assistant Secretary, Laurie Jenkins has worked with Secretary Mary Selecky to select divisions that will be under Health Systems Quality Assurance. There five divisions are: Health Professions and Boards and Commissions; Customer Service; Legal Services; Investigative and Inspections; Community Health, and Research and Development. The search for five directors for the divisions has begun. The purpose of the re-organization is to clarify and streamline.

E. Energize Your meetings

DISCUSSION: The Five Star Guide has been adopted by Department of Health. The purpose is to promote healthier meetings.

F. ARNP Issues – BJ Noll, quarterly meetings with ARNP members

DISCUSSION: There is a need to concentrate on ARNP issues. Ms. Meyer requested quarterly meetings to be held by the ARNP members of the NCQAC with BJ Noll as the staff support person.

ACTION: A motion was made and passed to adopt quarterly meetings for ARNP members.

G. NCSBN Commitment to Ongoing Regulatory Excellence (CORE) Final Results

DISCUSSION: This study is conducted every three years by NCSBN. Terry West is the coordinator. Washington is recognized for timeliness in discipline and complaint intake. The reviewing commission member phase is one of the top in the nation.

H. Citizens Advocacy Center (CAC) meeting, Seattle, October 29-31, 2007

DISCUSSION: This is a national organization for public members of health professions boards and commissions throughout the nation. William Hagens, will be a guest speaker. Executive Directors from the Department of Health will also be speakers.

I. Newsletter update – Terry West

DISCUSSION: Ms. West stated that the second edition of the newsletter has been released. A correction will be printed in the next edition listing the correct WEB site for Washington State University. Before next edition goes to print it will be sent to Susan Woods, Rick Cooley, and Bill Hagens for final proofing.

The next edition is in the planning stage. Assignments are due to Ms. West by September 26. The contract with PCI Publishing has been amended to revise the policy on advertisements. There is a survey in this edition and the comments have been favorable. The survey will be discussed at the November NCQAC meeting.

J. NCQAC Time Reports, July 2006 – July 2007

DISCUSSION: Summary of all the time put in by NCQAC members. There may be some discrepancies because of the timeliness of when time is submitted for payment.

Not on the agenda: Update on two Committee members with laptops: Five laptops have been purchased. We have been recognized by DOH to begin a pilot project for use of laptops by board/commission members. A consultant has been hired to put investigative reports on CD so that the laptops can be used. There is also a need for security with the laptops and CDs. We are working with consultants to design the protocol. Paula Meyer and Terry West are on the Steering Committee. Thank you to Terry West and Rick Cooley for initiating this project.

5. Discussion Items

If items are selected for action and a task force assigned, the group will meet once, complete the charter, and then come to the next meeting for decision to proceed.

A list of current task forces, membership, charges and their progress will be presented for feedback.

DISCUSSION: A list of current task forces was submitted and their progress.

ACTION: No new taskforces will be appointed until there has been resolution with those currently still meeting.

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6. 2008 - 2009 NCQAC Meeting Dates and Locations – Paula Meyer -

The NCQAC meets the second Friday in January, March, May, July, September and November. Workshops are held on the Thursday before the meeting in July and November. The March meeting is held in Spokane. The September meeting is held in a location to be determined. The dates are set so far in advance because all of DOH uses the same personnel resources such as staff attorneys and the Assistant Attorney General.

The NCQAC will consider business, workshop and hearing dates and locations.

DISCUSSION:

2008

January 11 - Tumwater

March 14 – Spokane

May 9 – Tumwater

July 10, 11– workshop and business meeting, Tumwater

September 12 - Colville

November 12, 13 - workshop and business meeting, Tumwater

2009

January 9 –Tumwater

March 13 – Spokane

May 8 – Tumwater

July 9, 10 - workshop and business meeting, Tumwater

September 11 - Bellingham

November 19, 20– workshop and business meeting, Tumwater

ACTION: A motion was made and accepted to adopt the dates and locations for calendar years 2008 and 2009.

7. Hearing Panel Dates, NCQAC Members and Responsibilities - Paula Meyer

A request for NCQAC members to sign up for 2008 hearing dates was circulated at the July NCQAC meeting. A current list will be distributed. NCQAC members will be reminded of their schedule commitments with the hearings.

DISCUSSION: Ms. Meyer requested NCQAC members turn in the dates they are available for hearings to Adena Nolet or Paula Meyer. When you mark your dates of availability, please mark on your calendar and keep yourself available. Canceling at the last minute forces problems.

Gail Yu, Assistant Attorney General, reinforced that, per the Governor, and under RCW18.79.080 it is considered 'neglect of duty. . .' if a member does not show up for scheduled hearings which could result in removal from the NCQAC.'

8. NCQAC Sanctioning Standards and Department of Health Sanctioning Guidelines – Paula Meyer

Discussion related to the use of the NCQAC Sanctioning Standards and the Secretary of Health Sanctioning Guidelines throughout the disciplinary process will occur. While it is very clear that the standards and guidelines are being used during the charging phase and in the use of orders, the Health Law Judges have requested clarification of the use of the Standards and Guidelines during deliberations.

DISCUSSION: The current NCQAC Sanctioning Standards have been in use since 2003. The Secretary of Health also adopted sanctioning guidelines which were adopted at the July meeting. Staff Attorney, Mike Brown, did a side by side comparison and discovered that there are a few discrepancies, one is the duration of the sanctions. The licensing and

discipline subcommittee will review the comparison and have recommendations for revisions at the November NCQAC meeting.

ACTION: A motion was made and carried that in the interim, until the NCQAC Standards and the Secretary Guidelines are harmonized and reconciled, if the discrepancy is based on the duration of sanctions only, the NCQAC will abide by the Secretary Guidelines.

Respondents need to know what Standard they are being held to. Once the NCQAC Sanctioning Standards are revised and adopted, they will be published in the newsletter and/or WEB site. Gail Yu recommended that the heading on the homepage be specific and easy to find.

9. Public Health Nursing Standing Orders and Scope of Practice – Mariann Williams, Rhonda Taylor, Paula Meyer

The role of the public health nurse includes prevention of disease and treatment of untoward health concerns in the treatment of the community. Ms. Williams, Ms. Taylor and Ms. Meyer will update the NCQAC on work within the Department of Health with the Medical Commission and Board of Pharmacy on this issue.

DISCUSSION: We are continuing to work on legal analysis nursing law, pharmacy, medical and public health laws.

10. Authority to Restock Automated Drug Distribution Devices – Linda Batch, Bill Hagens, BJ Noll

The Board of Pharmacy recently held a hearing and approved a new rule WAC 246-872: Automated Drug Distribution Devices. The one unresolved issue is the stocking of medications in the automated devices. The rule limits the restocking to pharmacists, pharmacy interns, or specially trained pharmacy technicians. The Pharmacy Board requested the NCQAC to determine the scope of practice for nurses with the refilling of Automated Drug Distribution Devices.

DISCUSSION: The task force decided that it is within the nursing scope of practice to restock medications in automated devices.

ACTION: A motion was made and passed to accept the practice of nurses restocking medications in automated devices. It is within a nurse's scope of practice.

11. Evidence Necessary in Failure to Supervise Investigations – Diana Sanders, Jim Smith, Marc Defreyn - DISCUSSION/ACTION

Allegations of Failure to Supervise and the evidence needed to support these allegations may be complicated. Ms. Sanders, Mr. Smith and Mr. Defreyn have reviewed the certification standards of the Certified Nursing Administrator. Recommendations on evidence investigators need to collect will be presented to the NCQAC.

DISCUSSION: The members were not able to meet due to scheduling conflicts. Delayed to the November Agenda.

12. Community Health Center of Snohomish County, Use of Registered Nurses to Order Refills for Medications According to Standing Orders – Dr. Thomas Tocher, Susan Wong, Linda Batch - DISCUSSION/ACTION

The issue of RNs completing orders for refills of routine medications according to a standing order and protocol was presented at the May 11 meeting, and the July 13 meeting. Ms. Batch and Ms. Wong will present recommendations for an advisory opinion.

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DISCUSSION: The task force recommended the NCQAC not approve Registered Nurses refilling medications because a refill of a prescription is considered renewing a prescription.

ACTION: A motion was made and passed not to approve RNs to refill medication orders.

13. November workshop items – Paula Meyer

- A. Manipulation by the respondent and Enabling Behaviors by the NCQAC and Substance Abuse - Dr. Mick Oreskovich, Director, of the Physicians Program
- B. Rules process – Tami Thompson
- C. Emergency Preparedness – How to utilize student nurses - William Henderson

DISCUSSION: It was decided to:

- D. Visit the NCLEX® Center on the Wednesday before the November workshop. Attendance is not mandatory.
- E. Refresher of the discipline process - Need more feedback from staff attorneys.
- F. Invite Bonnie King and Dave Magby to workshop to discuss investigative reports. Bring examples of cases to discuss.

DISCUSSION: How to investigate 'unknown nurse' cases.

14. Medication Administration in Correctional Facilities – Jackie Rowe - DISCUSSION/ACTION

Ms. Rowe will be attending a meeting related to medication administration in correctional facilities. Ms. Rowe will report on the content of the meeting and any action needed by the NCQAC.

DISCUSSION: The session was primarily for the Board of Pharmacy within a correctional setting. This meeting was only pertinent to Corrections.

11:30AM - Executive Session if needed

The Executive Session is that part of a regular or special meeting closed to the public.

LUNCH

1:00PM–OPEN MIKE

Open mike is for public presentation of issues to the NCQAC. If the public has issues regarding disciplinary cases, please call: 360-236-4727.

- Ms. Lois Hoell, NorthWest Organization of Nurse Executives (NWONE) spoke about investigation and backing up claims
 - Investigations – Information to back up claims. Contact nurse executives in the state, have information from a consumer perspective.
 - Replacement for Todd Herzog – Three applications turned in to the Governor's office.
- Joan Garner – Washing State Nursing Association (WSNA)
 - Press release – Sally Watkins is replacing Joan Garner, effective 10/1/07.
 - Workshop – safe staffing.

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- Putting list of disciplined nurses in the newsletter is a good idea. There were 75 Nursing Care and Regulation of Health Professions – Uniform Disciplinary Act (law books) printed and there are 84,000 nurses licensed in Washington. Ms. Garner will request that Bonnie King order more books.
- Thanks given to the NCQAC for letting nurses take the responsibility for their scope of practice. Ms. Garner will still motivate on behalf of nurses.

15. Subcommittee reports

- A. Continuing Competency - Cheryl Payseno, Chair

DISCUSSION: The plan rests with the advisory groups. The leaders of the advisory groups are pro-tem members.

- B. Discipline and Licensing - Jackie Rowe, Chair

DISCUSSION: The last meeting was about the side-by-side comparison on Sanctions Standard. There will be more at the November NCQAC business meeting.

CLOSING

Meeting adjourned at 1:27pm.